

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 09 / 767,422
Date of Deposit: January 19, 2001
Filing Date: January 19, 2001
Date of Re-deposit: January 22, 2001
Assigned Filing Date: January 22, 2001
Title: SYSTEM AND METHOD FOR CONDUCTING ELECTRONIC
COMMERCE
Applicants: Schroeder et al.
Group Art Unit: 2164
Examiner: To Be Assigned
Attorney Docket: 030633.0010

Affidavit of John H. D'Antico

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

After being sworn, the Affiant deposed as follows:

My name is John H. D'Antico. I am over eighteen years old, of sound mind, and competent to give this affidavit. I have personal knowledge of the facts in this affidavit, and they are believed to be true and correct.

I am currently, and was on Friday, January 19, 2001, an associate with Brobeck, Phleger & Harrison LLP, 4801 Plaza on the Lake, Austin, TX 78710. On January 19, 2001, I prepared and signed a Certificate of Mailing under 37 C.F.R. § 1.10 for the above-captioned patent application and related correspondence (hereinafter, "Patent Application"). I signed the Certificate of Mailing upon information and belief, expecting the Patent Application to be mailed or transmitted to the Patent and Trademark Office in the normal course of business by another no later than the date indicated (January 19, 2001).



More specifically, I believed that my secretary, Carol L. Treble, would instruct Bowne Business Solutions to have the Patent Application delivered to the appropriate United States Post Office for mailing using Express Mail. Bowne Business Solutions is the company that provides office services including, but not limited to, transmittal of mail (including Express Mail) from Brobeck, Phleger & Harrison LLP. My reasonable basis, information and belief were based upon prior practices, procedures, and experiences, which I had previously relied upon using Bowne Business Solutions for sending patent applications to the Patent and Trademark Office using Express Mail.

Further Affiant sayeth not.

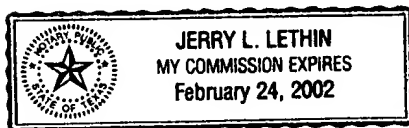


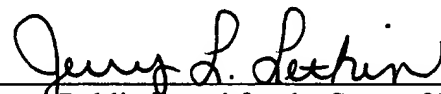
John H. D'Antico

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BEFORE ME, the undersigned authority, on this day personally appeared John H. D'Antico, and known to me to be the person whose name is subscribed to the foregoing Affidavit, acknowledged to me that she executed the same in the capacity and for purposes and consideration therein expressed, of her own free act and deed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this, the 9th day of November, 2001.





Notary Public in and for the State of Texas

My commission expires: 2/24/02